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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 11-00684 EJD  
15 Plaintiff, ) STIPULATION AND [PROPOSED]  
16 vs. ) ORDER CONTINUING HEARING DATE  
17 HERMINIO SANTIAGO-GARCIA, )  
18 Defendant. )

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19 **STIPULATION**

20 Defendant Herminio Santiago-Garcia, by and through Assistant Federal Public Defender  
21 Heather R. Rogers, and the United States, by and through Special Assistant United States  
22 Attorney Ann Marie Ursini, hereby stipulate that, with the Court's approval, the status hearing  
23 currently set for February 13, 2012, at 1:30 p.m., before the Honorable Edward J. Davila, shall be  
24 continued to March 26, 2012, at 1:30 p.m.

25 The reason for the requested continuance is that defense counsel recently provided  
26 reciprocal discovery and investigation to government counsel in support of a proposed resolution,  
and requires additional time to review and discuss this material with government counsel and  
Mr. Santiago-Garcia. Given these circumstances, additional time is required for effective

1 preparation of counsel. The parties therefore respectfully request a continuance to March 26,  
2 2012, at 1:30 p.m.

3 The parties agree that the time between February 13, 2012, and March 26, 2012, may be  
4 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective  
5 preparation of counsel.

6 Dated: February 9, 2012

7 /s/  
HEATHER ROGERS  
8 Assistant Federal Public Defender

9 Dated: February 9, 2012

10 /s/  
ANN MARIE URGINI  
Special Assistant United States Attorney

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12 [PROPOSED] ORDER

13 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
14 ORDERED that the hearing currently set for February 13, 2012, at 1:30 p.m., before the  
15 Honorable Edward J. Davila, shall be continued to March 26, 2012, at 1:30 p.m.

16 THE COURT FINDS that failing to exclude the time between February 13, 2012, and  
17 March 26, 2012, would unreasonably deny counsel for the defendant reasonable time necessary  
18 for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§  
19 3161(h)(7)(B)(iv).

20 THE COURT FINDS that the ends of justice served by excluding the time between  
21 February 13, 2012, and March 26, 2012, from computation under the Speedy Trial Act outweigh  
22 the interests of the public and the defendant in a speedy trial.

23 THEREFORE, IT IS HEREBY ORDERED that the time between February 13, 2012, and  
24 March 26, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
25 3161(h)(7)(A) and (B)(iv).

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1 IT IS SO ORDERED.  
2 Dated: February 13, 2012  
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HON. EDWARD J. DAVILA  
United States District Court Judge